

IA No. 06/2025 in SC 58564/2016
State Vs. Robin @ Rohit @ Babloo Etc.
FIR No. 408/2015
PS KNK Marg
U/s 302/201/364/120B IPC

02.09.2025

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Rakesh @ Raka.

Present:- Sh. Girish Giri, Ld. Addl. PP for the State.

Sh. Sanjeev Kumar, Id. Counsel for the applicant/
accused.

1. Brief facts of the case are that the present FIR has been registered on the statement of Ms. Shilpi Saini, wife of the deceased, who alleged that her husband Chintan was abducted by accused persons on gun point on a motorcycle and was later murdered. During the investigation, other family members of the deceased were examined and they informed that they along with deceased had deposed against one Rohit @ Robin @ Babloo in case FIR No. 672/2008, PS Prashant Vihar, as they were eye witnesses to a murder committed by him. They suspect his involvement in the abduction of Chintan. The complainant Shilpi Saini was shown photographs of Rohit @ Robin @ Babloo and she identified him as the person, who forcibly abducted her husband on 15.04.2015 and on 18.04.2015, the dead body of Sh. Chintan was found in the area of PS Rai, Sonipat (Haryana).

2. It is argued by Ld. Counsel for applicant/accused that the applicant/accused is an innocent person and he has been

falsely implicated in the present case. It is further argued that applicant/accused is running in JC for the last 10 years. No recovery has been effected from him and no *mens rea* is there against the applicant/accused. It was further submitted that investigation has been completed, trial is pending before this court. It is further argued by Id. Counsel that applicant/accused has only been arrested on the disclosure statement of co-accused and that eye witnesses have already been examined. It is further argued that that in most of cases, applicant is either acquitted or enlarged on bail. It is prayed that a lenient view be taken.

3. On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that allegations against the applicant are serious in nature and if applicant is released on bail, he may threaten the witnesses and he may also jump the bail and prayer is made for dismissal of the bail application.

4. I have heard Id. Counsel for the applicant/accused and Ld. Addl. PP for the State.

5. In the case of **The State of Rajasthan Vs. Bal Chand, 1977 (4) SCC 308**, the Hon'ble Supreme Court of India has observed as under:

“The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the court. We do not intend to be exhaustive but only

illustrative.”

In the case of **Sanjay Chandra Vs. CBI 2012(1) SCC 40**, the Hon'ble Supreme Court of India has observed as under:

“.. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet.”

In the said case of Sanjay Chandra (supra), the Apex Court further held as under:

“This Court, time and again, has stated that bail is the rule and committal to jail an exception. It is also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution.”

6. Applicant/accused has been arrested only on the basis of disclosure statement of co-accused. Out of 38 prosecution witnesses, 28 witnesses have already been examined. All the public witnesses have already been examined and remaining witnesses are with respect to the documents pertaining to the investigation. Applicant is running in J/C since for the last 10 years. Conclusion of the trial is likely to take considerable time.

In view of the guidelines of the Hon'ble Supreme Court in judgments, cited above and also seeing the totality of facts and circumstances of the present case, no further purpose would be served by keeping the applicant/accused in further custody, the applicant/accused Rakesh @ Raka is admitted to bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount, who is permanent resident of Delhi/NCR, to the satisfaction of concerned Ld. MM/Link MM/Duty MM but subject to the following conditions:

- (a) The applicant/accused shall attend the court proceedings regularly.
- (b) That in case of change of his residential addresses, he shall intimate the Court about the same.
- (c) The accused shall not leave the country without prior permission of the Court.
- (d) The accused shall not indulge into similar offence in the event of release on bail.
- (e) The applicant/accused shall not try to contact or influence the witnesses, in any manner, directly or indirectly.

Application stands disposed off.

7. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

8. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(VANDANA)
Addl. Sessions Judge-02(North)
Rohini Courts / Delhi. 02.09.2025